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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

**Cheryl Henry**

Application Number

**09/575,776**

Filing Date

**May 22, 2000**

For

**DATA STORAGE DEVICE  
READER AND METHOD OF  
USING SAME**

Group Art Unit

**3634**

Examiner

**A. Vortman**

Former Attorney Docket

**H546.12-1**

New Attorney Docket

**85611**

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OCT 07 2002

GROUP 3600

## RESPONSE

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the Examiner's Action of July 2, 2002, please consider the following response.

Status of Claims

Claims 1-8 and 10-22 are pending in the application. The Examiner refers to claims 1-22 but claim 9 was cancelled in the Amendment filed May 22, 2002.

Claim Rejections Under 35 USC §103

In the Office Action, the Examiner rejected all pending claims under 35 USC §103 as obvious in view of U.S. Patent No. 5,566,290 (Silverbrook). The Examiner grouped independent apparatus claims 1 and 6 together, and then treated independent method claim 10 identically to claims 1 and 6 because "the method steps recited in the claims are inherently necessitated by the device structure in Silverbrook." It is clear, however, that the remaining independent claim (claim 13) also contains the "processor ... programmed" limitation that is the basis of the arguments below. Thus, it appears that all